

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

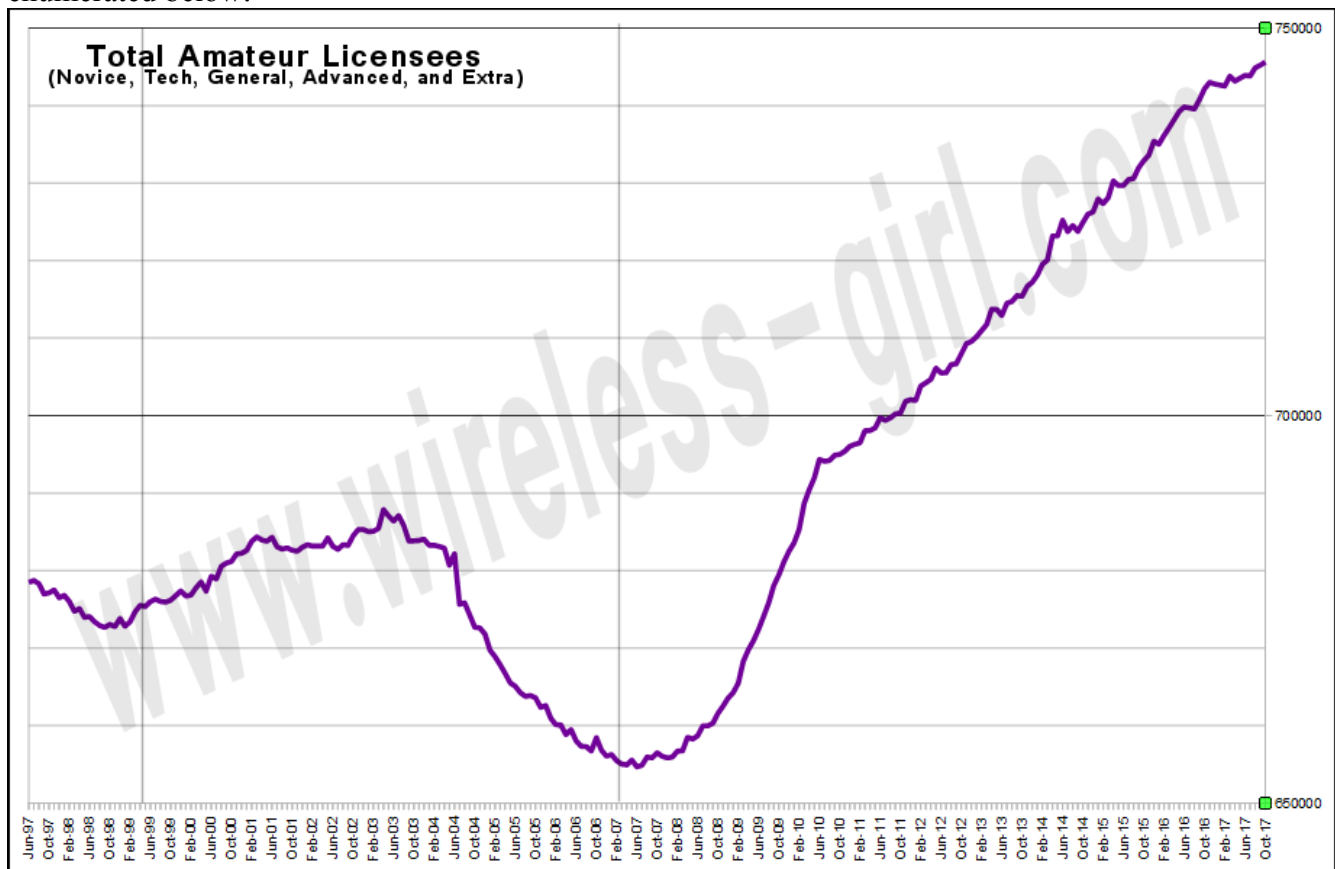
**Amendment of Part 97 of the
Commission's Amateur Radio Service
Rules to Facilitate High-Frequency
Data Communications**

**RM- 11828 DISMISSAL
March 14, 2019**

**To: The Chief, Wireless Telecommunications Bureau
Via: Office of the Secretary**

PETITION TO DISMISS RM-11828

Janis Carson, amateur radio service licensee AB2RA since 1959, and ARRL member for over 40 years, pursuant to Section 1.405 of the Commission's Rules (47 C.F.R. §1.405), hereby respectfully requests that the Commission dismiss *Notice of Proposed Rule Making, RM-11828*, at an early date, proposing to modify Part 97 of the Commission's Rules governing the Amateur Radio Service as specified in the following discussion. This is filed urgently as a separate unique petition. The reasons for dismissal are enumerated below:



This petition grows out of a false assertion of lack of growth in amateur radio. The above graph is the actual data. It demonstrates the stunning turn around directly attributable to the FCC's wise decision to eliminate Morse Code Examinations, over the ARRL's objections, which stimulated growth and participation by technically qualified individuals to advance the state of the art.

1. RM-11828 provides no factual basis it will increase participation in amateur radio by people who meet the following Part 97.1 qualifications:

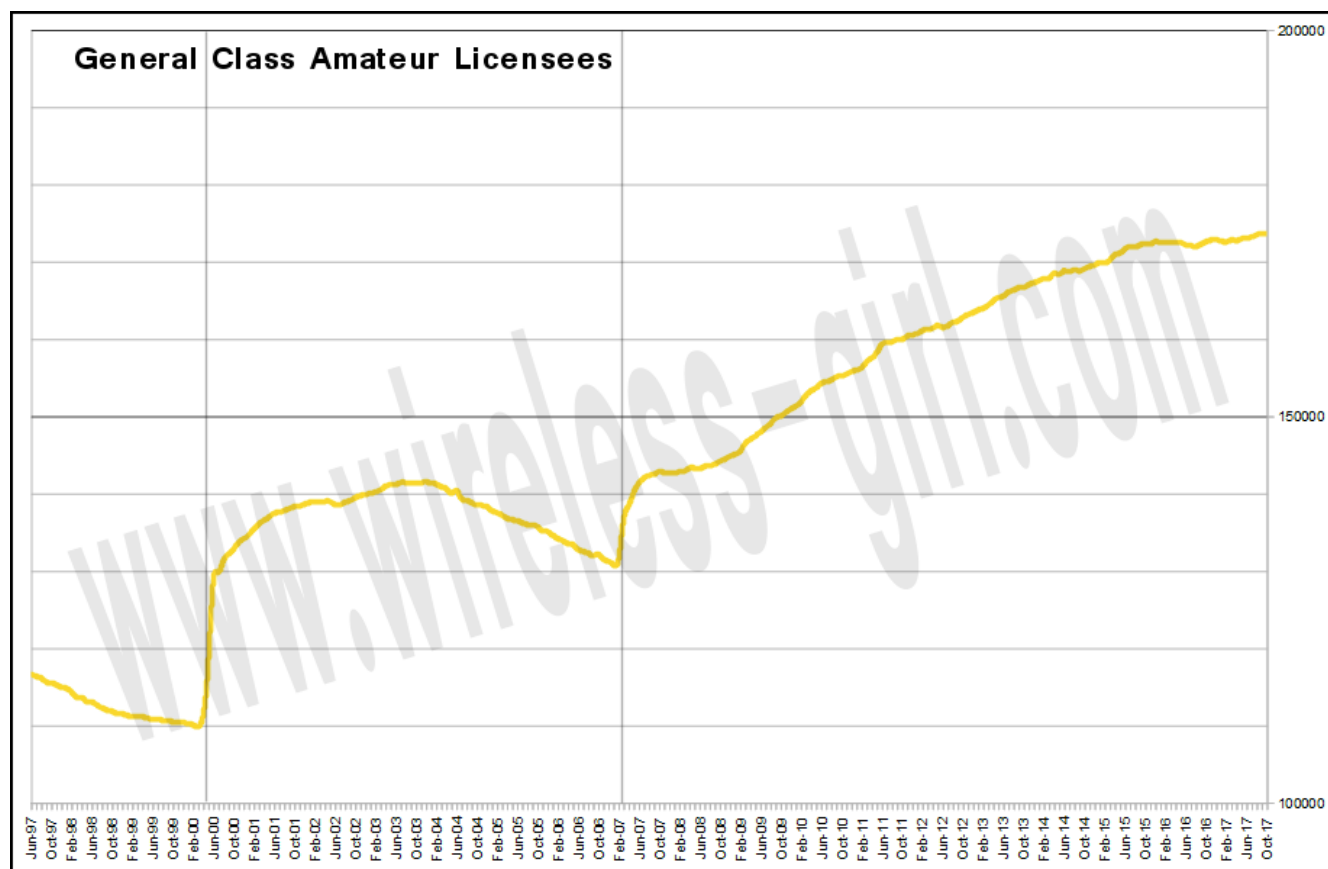
(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.

(c) Encouragement and improvement of the amateur service through rules which provide for advancing skills in both the communication and technical phases of the art.

(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.

2. RM-11828 purports to induct "makers" into the amateur community. Perhaps amateur radio could attract younger "makers" to the hobby. Do they want HF privileges to control a robotics experiment? Maybe the existing Tech license is a good fit, as it was for the approximately 30 Cornell students who attained licenses through our local Volunteer Examiner group this year. Will some want HF too? Maybe, but if they are going to "make" something useful, they ought to have the basic knowledge needed to "make" something, as demonstrated in the General exam. RM-11828 proposes to include people who do not possess the qualifications or training to "make" anything useful in the HF spectrum.

3. The current Technician test is often obtained by a one weekend crash course in memorization, followed immediately by the test. It is a beginner's license which originally was designed for only 29 MHz and higher. My son started as a Novice, then passed his Tech test at age 10. A year later, he passed his General exam. He was not a prodigy, just an average kid, with the *willingness to work hard to earn something worthwhile*. **The existing General exam is not too hard that it excludes qualified operators.** There is no demonstrated need or justification to change the current structure or licensing standards. The growth of General class licensees is consistently positive, disproving any assertion that the standards need to be changed. ARRL's assertions to the contrary have no basis in fact. Here is the actual data:



4. The ARRL proposal does not grant full privileges on 10 meters, including the FM repeaters at the top end of the band. It does not allow Tech satellite operation on 10 meters. These are things Technicians do quite well on VHF and UHF. This defective proposal is wantonly focused on one agenda, while ignoring multiple issues which could constructively address meaningful license restructuring. I would absolutely support full participation of Techs at their existing HF power privileges on 10 meters, based on their existing qualifications, something the ARRL has ignored in its haste to promote another agenda.

5. I oppose granting additional HF VOICE OR DATA privileges to existing or new Techs without a test which ensures knowledge of basic operating procedures and the sophisticated digital systems currently in use on HF.

6. The only reason Technicians have any HF allocations at all is that when the Novice license was abolished, its HF CW privileges were rolled into the Technician class. The proper disposition at that time would have been to retain the Novice license as non renewable, and let those people upgrade to Tech or General. There would be zero novices now. This discussion of HF privileges for Techs would be irrelevant. RM-11828 only perpetuates these artifacts left behind by the no code licensing changes.

5. In **RM-10867**; Previous 2004 Docket **98-143** proceedings, ARRL specifically excluded wide band data and ACDS operation from its proposal for Tech Enhancement. Now they have changed that policy, specifically seeking to pursue that erroneous path previously rejected. The FCC rejected most of ARRL's other proposals in RM-10867, and it should reject RM-11828 for the same good reasons it rejected it then.

6. The Tech license does not cover General Question Pool G2E02(B), G2E03(D), G2E07(A), G2E09(C), G2E10(D), G2E12 (C), G8C06 (B), G8C07 (B), G8C01(B), G1E05(C), G1E11(C), G1E12(A), G1E13(D), which cover essential modern HF digital communications procedures. Without that basic knowledge, interference, improper operation and spectrum sharing, and enforcement problems will result. ARRL in its petition for RM-11828 explicitly dismisses the need for complete revision of the existing Tech Question Pool to include that essential syllabus before granting that access. ALL EXISTING Tech licensees and any new ones should be required to pass a new test before their licenses are re-issued, or their licenses should be immediately revoked until such time as they can demonstrate competency. See APPENDIX for the complete question pool referenced.

7. As written by the ARRL, RM-11828 allows an unqualified Technician Licensee to even become a control operator of a Winlink RMS system, essentially an email store and forward repeater, on HF, without any knowledge whatsoever of its basic functions on even a user level. Repeater operation on VHF and UHF uses local propagation. Consequences of incorrect operation on HF are world wide.

8. The FCC has not yet acted, rejected or revised the proposals in RM-11708 or Docket 16-239 as currently written. **The FCC must immediately dismiss or stay RM-11828 until it has finished its work on RM-11708, RM-11759, and 16-239.** These important rule making decisions regarding these powerful digital systems must be resolved first before proceeding on a misguided restructuring which could complicate matters further.

9. The ARRL proposes in RM-11828 to grant wide swaths of HF VOICE/DATA spectrum. These proposed HF VOICE allocations are 55% of the General HF VOICE allocations in those bands. The current number of Tech licenses moving into these allocations would effectively DOUBLE the population, resulting in congestion of the VOICE spectrum by those without adequate knowledge of

HF procedures. General licensees would likely be adversely effected. The excessive size of the Tech VOICE expansion is unwarranted and unjustified.

10. ARRL ignores that the proposed 80 meter VOICE spectrum is used by traffic nets that may be passing essential messages for relief work. The new Tech population may NOT be involved in such activity, and may create interference to the traffic nets.

11. ARRL proposed NO 40 meter Tech VOICE privileges in its earlier unresolved petition RM-11759. It now changes its proposal to include significant portions of an already congested upper 40 meter VOICE segment. At night, the upper 100 KHz of 40 meters is plagued by foreign broadcast interference. One notable example is Radio China 7285 KHz English Language from late in the afternoon well into the evening, which transmits an unnecessarily wide signal. Now ARRL wants in RM-11828 to add to the problem. The lower 100 KHz of 40 meters is even more complicated by IARU region 1 only having that small spectrum for DATA and VOICE. **There should be NO 40 meter DATA OR VOICE expansion for Techs.**

12. Given the multiple flaws and the failure to revise the Tech question pool to cover essential topics for HF operation (a new element 2B), this proposal should be immediately dismissed, rejected, without further discussion.

I therefore request SUMMARY DISMISSAL of RM-11828 based on those contradictions and its lack of merit. The evidence of this follows in extracts from the General Question Pool contained in the APPENDIX below. I also recommend you consider to DISMISS WT 16-239, RM-11708, RM-11759 and direct the ARRL to come up with a better comprehensive petition and a new proposal that will work rather than this patchwork of ill devised initiatives. I reserve the right to comment or file reply comments if this proceeds.

Sincerely and respectfully, /S/
Janis Carson, AB2RA, licensed since 1959, ARRL member 40 years

Please incorporate by reference the following FCC items:

Important relevant, honest, and thoughtful Randall Evans comments in RM-11708:

<https://ecfsapi.fcc.gov/file/7521315143.pdf>

My Comments in 16-239 regarding unlicensed operation on HF, 16-239, and 17-344:

<https://ecfsapi.fcc.gov/file/101311670501116/FINAL%20REPLY%202019%20%2016-239.pdf>

<https://ecfsapi.fcc.gov/file/1020199526416/FINAL%20REPLY%202019%20%2016-239.pdf>

https://ecfsapi.fcc.gov/file/1219623911650/SSCA%2012_18%20REPLY%20Final.pdf

https://ecfsapi.fcc.gov/file/1219623911650/DRAFT%20REPLY%20ARSFI%2012_18%20%2016-239.pdf

<https://ecfsapi.fcc.gov/file/112631008384/FINAL%20reply%20NQ5L%2016-239.pdf>

https://ecfsapi.fcc.gov/file/111469432723/WT%2016_239replySCS%20ERRATA.pdf

https://ecfsapi.fcc.gov/file/1113033276859/WT%2016_239replySCS%20FINAL.pdf

<https://ecfsapi.fcc.gov/file/102210895210154/FINAL%20PSHSB%2017-344.pdf>

<https://ecfsapi.fcc.gov/file/1012251185288/FCC%20PS%20DOCKET%2017-344.pdf>

<https://ecfsapi.fcc.gov/file/1110433528675/FCC%20WT%2016-239%20Matthew%20Pitts%20Rebuttal3.pdf>

<https://ecfsapi.fcc.gov/file/1110235448395/FCC%20WT%2016-239%20Matthew%20Pitts%20Rebuttal2.pdf>

<https://ecfsapi.fcc.gov/file/10100754910405/MATTHEW%20PITTS%20REBUTTAL1.pdf>

APPENDIX: TECH QUESTION POOL DOES NOT INCLUDE THESE GENERAL QUESTIONS

G2E02 (B) How can a PACTOR modem or controller be used to determine if the channel is in use by other PACTOR stations?

Unplug the data connector temporarily and see if the channel-busy indication is turned off

Put the modem or controller in a mode which allows monitoring communications without a connection

Transmit UI packets several times and wait to see if there is a response from another PACTOR station

Send the message: "Is this frequency in use?"

COMMENT: This procedure is already being ignored by operators who have passed a General exam.

G2E03 (D) What symptoms may result from other signals interfering with a PACTOR or WINMOR transmission?

Frequent retries or timeouts

Long pauses in message transmission

Failure to establish a connection between stations

All of these choices are correct

COMMENT: This can be the result of automatic control of outgoing mail, or ignorantly retrying to send email to a Winlink RMS that is already busy with other traffic, maybe even emergency traffic. Also, it can be the result of attempting a Winlink email on a frequency already in use by a station employing a different mode than Pactor.

G2E07 (A) What segment of the 80-meter band is most commonly used for digital transmissions?

3570 - 3600 kHz

3500 - 3525 kHz

3700 - 3750 kHz

3775 - 3825 kHz

COMMENT: Remember that WT 16-239 and RM-11708 NOW will permit data emissions of unlimited band width ANYWHERE in the CW/DATA segment, not just the specified 97.221 (B) spectrum.

G2E09 (C) How do you join a contact between two stations using the PACTOR protocol?

Send broadcast packets containing your call sign while in MONITOR mode

Transmit a steady carrier until the PACTOR protocol times out and

disconnects

Joining an existing contact is not possible, PACTOR connections are limited to two stations

Send a NAK response continuously so that the sending station has to pause

HINT: Joining an existing contact is not possible, PACTOR connections are limited to two stations. Which is why it is useless to try to tell a Pactor operator the frequency is in use.

G2E10 (D) Which of the following is a way to establish contact with a digital messaging system gateway station?

Send an email to the system control operator

Send QRL in Morse code

Respond when the station broadcasts its SSID

Transmit a connect message on the station's published frequency

COMMENT: Transmit a connect message on the station's published frequency - this answer does NOT include, check if the RMS gateway is already busy, or if a station using a different emission mode is on the channel. But that is pretty much how it works now anyway. When WT 16-239 and RM-11708 are enacted, this sort of thing will be common anywhere in the existing CW/DATA segment. By the way, the published frequency is found in Winlink's software updater. "97.101 General standards.(b) Each station licensee and each control operator must cooperate in selecting transmitting channels and in making the most effective use of the amateur service frequencies. No frequency will be assigned for the exclusive use of any station." The alleged "cooperation" in frequency sharing is the RMS control operator chooses a frequency, Winlink publishes it, and YOU get OFF "THEIR" frequency NOW. Steve Waterman, in his PSHSB 17-344 comments, wants to install 100 of these ACDS stations on 40 meters, currently at 2.4 KHz each. ARRL and Waterman will do the same on 20 meters and the other HF bands too. The current FCC 16-239 implementation permits ANY bandwidth, in excess of 2.4 KHz. HINT: What band width will Pactor 5 use? Whatever it needs to run email even faster!

G2E12 (C) Which of the following describes a waterfall display?

Frequency is horizontal, signal strength is vertical, time is intensity

Frequency is vertical, signal strength is intensity, time is horizontal

Frequency is horizontal, signal strength is intensity, time is vertical

Frequency is vertical, signal strength is horizontal, time is intensity

COMMENT: Some of the Pactor modems do not have a waterfall display, and often the "channel busy" detectors are deliberately turned OFF. Randal Evans does it this way: "Even when I am topside cruising (sic) the system runs automatically below deck publishing my position reports and downloading my email."

G8C06 (B) What action results from a failure to exchange information due to excessive transmission attempts when using PACTOR or WINMOR?

- The checksum overflows
- The connection is dropped
- Packets will be routed incorrectly
- Encoding reverts to the default character set

G8C07 (B) How does the receiving station respond to an ARQ data mode packet containing errors?

- It terminates the contact
- It requests the packet be retransmitted
- It sends the packet back to the transmitting station
- It requests a change in transmitting protocol

G8C01 (B) Which of the following digital modes is designed to operate at extremely low signal strength on the HF bands?

- FSK441 and Hellschreiber
- JT9 and JT65
- Clover
- RTTY

G1E05 (C) [97.115(a)(2),97.117] What types of messages for a third party in another country may be transmitted by an amateur station?

- Any message, as long as the amateur operator is not paid
- Only messages for other licensed amateurs
- Only messages relating to Amateur Radio or remarks of a personal character, or messages relating to emergencies or disaster relief
- Any messages, as long as the text of the message is recorded in the station log

COMMENT: D maybe, if its saved in the outgoing mail folder on Winlink? There is no method to monitor this kind of traffic live off the air. This makes no mention that there are countries that do not permit ANY kind of third party traffic, regardless of content. That is why there is a petition that requires immediately issuing a rule making number.

<https://ecfsapi.fcc.gov/file/100918881206/PETITION%20FOR%20RULEMAKING.pdf>

Randal Evans does it this way: "Its a great service because all of the other available Internet services cost money. Even when I am topside crusing (sic) the system runs automatically below deck publishing my position reports and downloading my email. I use the system for sending position reports, ordering supplies, repairs, chatting with friends and posting to facebook. RM-11708 will allow Winlink eMail to run twice as fast. That is great and I am for that. Some of the technical folks are saying that if RM-

11708 is published with no bandwidth we can get even faster Internet and might be able to stream movies on the Winlink Internet. I'm for passing RM-11708 into law with no bandwidth limits." With no way to monitor the content or even the call signs or sources of the third party traffic, do you think this thing has gotten out of hand?

The ARRL thinks the NEW TECHNICIAN ENHANCED LICENSEES DON'T NEED TO KNOW THIS EITHER!

G1E11 (C) [97.221] Which of the following is the FCC term for an unattended digital station that transfers messages to and from the Internet?

- Locally controlled station
- Robotically controlled station
- Automatically controlled digital station
- Fail-safe digital station

G1E12 (A) [97.115] Under what circumstances are messages that are sent via digital modes exempt from Part 97 third party rules that apply to other modes of communication?

- Under no circumstances
- When messages are encrypted
- When messages are not encrypted
- When under automatic control

G1E13 (D) [97.221, 97.305] On what bands may automatically controlled stations transmitting RTTY or data emissions communicate with other automatically controlled digital stations?

- On any band segment where digital operation is permitted
- Anywhere in the non-phone segments of the 10-meter or shorter wavelength bands
- Only in the non-phone Extra Class segments of the bands
- Anywhere in the 1.25-meter or shorter wavelength bands, and in specified segments of the 80-meter through 2-meter bands

So, do you think these questions should be required of anyone using HF spectrum for email, to maintain a minimum competency of operators? Or should we give a "free upgrade" to any existing Technician licenses? Or should a marina run "Tech License in a Weekend" classes, and send them to Farallon Electronics for their radio installation? Is "free messaging service" listed in Part 97.1 as a purpose of amateur radio? Or, the new techs are set up with the gear to be the CONTROL OPERATOR OF A NEW WINLINK HF EMAIL SHORE STATION?

"FCC Part 97.1 Basis and purpose.

The rules and regulations in this part are designed to provide an amateur radio service having a fundamental purpose as expressed in the following principles:

(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly

with respect to providing emergency communications.

(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.

(c) Encouragement and improvement of the amateur service through rules which provide for advancing skills in both the communication and technical phases of the art.

(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.

(e) Continuation and extension of the amateur's unique ability to enhance international goodwill."

CONCLUSION: Randal Evans will likely not fit the definition of a "trained operator" with "advancing skills" qualified to "contribute to the advancement of the radio art." That is NOT his fault. He just wants to cruise his yacht and have effective email while off shore. He doesn't care anything about radio; it is just an appliance on his boat, like a fresh water system. It is the fault of the false advertising, and misuse of the amateur service as promoted by the ARRL and Winlink advocates. "Free HF email for all" is not mentioned in Part 97.1. The use of Winlink for these communications is misrepresented as "providing emergency communications". In fact, it is just a violation of "Part 97.113 Prohibited transmissions.(5) Communications, on a regular basis, which could reasonably be furnished alternatively through other radio services." We do not need even more of this activity on the HF bands. Recognize it for what it is. It reduces amateur radio to an "AP" by dumbing down the HF spectrum entry standards. Reject RM-11828, RM-11708, WT 16-239, RM-11759, and the new ARRL Petition for expansion of Technician HF privileges as part of a package of petitions that will ruin the amateur service beyond repair. Direct them to come up with an appropriate new plan.